



# The Town of Franklin

P.O. Box 209, Route 3, Vermontville, NY 12989 • 518-891-2189 • Fax: 518-891-6389 • www.townoffranklin.com



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## Town of Franklin Board Meetings

### Regular Board Meeting - April 8, 2020 5:30PM

**BOARD MEMBERS PRESENT:**

Supervisor Dorothy Brown, Councilman Tom Bartiss, Councilman Richard Jarvis, Councilman Don Hamm and, Councilman Leo Demong

**BOARD MEMBERS ABSENT:**

None

**OTHERS PRESENT:**

Doris Hamm, Emily Bartiss, Melissa Furnia—Friends of the North Country, Jacques DeMars—Highway Superintendent and Lauren LeFebvre—Town Clerk

**CALL TO ORDER**

Supervisor Brown called the meeting to order at 5:30pm. The Pledge of Allegiance was recited and the Town Clerk called the roll, noting the full board present.

**REVIEW/APPROVAL OF March 11, 2020 MINUTES:** Minutes were approved with addition of inclusion of Councilman Bartiss being appointed to the Cemetery Committee. D.Jarvis-T.Bartiss m/s/p-All Aye

**APPROVAL OF CLAIMS** The board audited and approved the following claims:

<b>General Fund</b>	Abstract 4	Claims 65-82	\$5,976.83
<b>Pre-Pay General</b>	Abstract 4	Claims 14-15	\$4,361.79
<b>Highway Fund</b>	Abstract 4	Claims 56-70	\$482,276.59
D.Hamm-D.Jarvis m/s/p -All Aye			

**SUPERVISOR'S REPORT:** Balances on hand as of March 31, 2020

**General Fund**

Checking	\$449,290.48
Savings	\$441,511.15
Historian	\$3,039.65
Kt. Mt SRF	\$2,057.38
Cemetery RF	\$5,505.65
CLASS	\$249,489.69
Kate Mt. CLASS	\$46,569.24

**Highway Fund**

Checking	\$534,424.82
Savings	\$191,673.01
Cap Proj. HW	\$49,058.74
CLASS	\$410,096.14

**Landfill Clos. CR**

Checking	\$2,072.51
CLASS	\$13,037.09

**Fire Protection**

Checking	\$6,623.58
CLASS	\$11,696.51

**Capital Proj Bldg**

CLASS	\$68,794.40
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T.Bartiss-D.Hamm m/s/p-All Aye

**HIGHWAY SUPERINTENDENT'S REPORT**

Superintendent DeMars read the following report:

1. Plow and sanded when needed
2. Had men out several times cleaning up trees that came down in the road
3. Pushed banks bank and made weep holes around town several times
4. Repaired a washout on Alder Brook Park Road
5. Town roads have been posted with the weight limits.
6. Started brooming/ picking up sand around town.
7. Most borrowed equipment has been returned and our insurance company has been notified.
8. Requesting a Town Board Resolution that stats: The Highway Department may cut any and all trees within the Town's Right of Way as they deem necessary on all town roads.
9. Requesting that the Town goes out to bid, road sand up to 13,000 tons. On going beaver activity around town.

**RESOLUTION #13 CUTTING TREES WITHIN TOWN OWNED RIGHT-OF-WAY**

On a motion by Councilman Bartiss, second by Councilman Hamm, BE IT RESOLVED that the Town of Franklin Town Board does hereby authorize the Town of Franklin Highway Superintendent and the Town of Franklin Highway Department to cut and/or remove any or all trees within Town of Franklin Right-of-Ways on Town of Franklin roads as deemed necessary by the Highway Superintendent.

Those Voting Aye:

Supervisor Brown  
Councilman Bartiss  
Councilman Hamm  
Councilman Demong  
Councilman Jarvis

Those Voting No: None

**RESOLUTION #14 SOLICITATION OF 2020 BIDS FOR ROAD SAND**

On a motion by Councilman Jarvis, second by Councilman Hamm, BE IT RESOLVED that the Town of Franklin Town Board does hereby authorize the Town Clerk to solicit sealed bids for up to 13,000 tons of road sand to meet NYS DOT specifications.

Those Voting Aye:

Supervisor Brown  
Councilman Bartiss  
Councilman Hamm  
Councilman Demong  
Councilman Jarvis

Those Voting No: None

**NEW BUSINESS**

**Community Block Development Grant** - Supervisor Brown announced the Town of Franklin has received a \$450,000 Federal HUD Community Development Block Grant through NYS Housing Rehabilitation Program. Friends of the North County will be administering the funds and managing the projects.

**Melissa Furnia, Executive Director FONC** - Melissa explained the process for residents to get assistance. There is currently a waiting list of residents that previously met the financial criteria. This list will be updated to ensure those people are still eligible. Melissa urged residents to contact them for more info on this and other funding opportunities.

As part of the municipal agreement with HUD the following resolutions/policies were adopted:

**RESOLUTION #15 CERTIFYING OFFICER**

On a motion by Councilman Jarvis, and seconded by Councilman Bartiss, to authorize Dorothy Brown, Town Supervisor, to act as Certifying Officer for the environmental review process to be completed in conjunction with the Town's Office for Community Renewal Community Block Grant project # 418HR345-19 Housing Rehabilitation Program.

Those Voting Aye:

Supervisor Brown  
Councilman Bartiss  
Councilman Hamm  
Councilman Demong  
Councilman Jarvis

Those Voting No: None

**RESOLUTION #16 ACCEPTANCE OF SUB-RECIPIENT AGREEMENT**

Motion by Councilman Bartiss, second by Councilman Hamm BE IT RESOLVED that this

AGREEMENT, made this 8th day of April, 2020, by and between the Town of Franklin, a municipality located at 7 Cold Brook Road, Vermontville, in the County of Franklin, State of New York, hereinafter referred to as the TOWN, and a not-for-profit New York Corporation known as FRIENDS OF THE NORTH COUNTRY, INC., whose principal office is 1387 Hardscrabble Road Cadyville, County of Clinton, State of New York, hereinafter referred to as FRIENDS.

WHEREAS, the TOWN/Recipient has been awarded a grant from the United States Department of Housing and Urban Development (HUD) under the Community Development Block Grant (CDBG) Small Cities Program administered by the New York State Homes and Community Renewal (NYS HCR), Project #418HR345-19 for the general purposes of rehabilitating housing, and

WHEREAS, the grant was awarded and notice to that effect was provided to the Town by NYS HCR on March 12, 2020 for an approved amount of Four Hundred Fifty Thousand Dollars (\$450,000) and the term of the awarded program is 24 months, and

WHEREAS, the TOWN wishes to engage the services of FRIENDS as SUB-RECIPIENT for the purposes of administration and program delivery of the above-noted program award, Recipient is responsible for continuous monitoring.

NOW, THEREFORE, in furtherance of these objectives, the parties agree as follows:

1. FRIENDS shall provide the services necessary to fulfill the program objectives of the NYS HCR Housing Rehabilitation Grant as detailed in Appendix A Program Schedule (p.5), Appendix B Program Delivery (p.6-9) and Appendix C General Administration (p.10) of this contract and within the term specified in the award/NYS Contract.
2. The TOWN agrees to pay FRIENDS the sum of Eighty-One Thousand Dollars (\$81,000) in full and complete payment for the performance of the aforesaid services, pursuant to the Project Schedule and Budget of the NYS HCR application, a copy of which is attached and made a part hereof as APPENDIX A.
3. FRIENDS will render the necessary services commencing with Grant Award and terminating with Grant Closeout, on or about March 12, 2022. Services provided shall include all those necessary in order to responsibly and reasonably deliver the program, administer the program and provide documents, reports and other data to the TOWN sufficient to enable the TOWN to reasonably and responsibly account to NYS HCR; services include, but are not limited to, those described in APPENDIX B.
4. The payment of the fee by the TOWN to FRIENDS shall be made in the following manner:
  - A. Administration: Payments for Administration are billed on a percentage basis at the same time that Capital expenditures are requisitioned from NYS HCR; the total amount to be paid for administration is not to exceed Twenty-Two Thousand and Five Hundred Dollars (\$22,500).
  - B. Program Delivery, Housing Rehabilitation: Payments for Program Delivery are billed on a percentage basis at the same time that Capital expenditures are requisitioned from NYS HCR; the total amount to be paid for Program Delivery for Housing Rehabilitation is not to exceed Fifty-Eight Thousand and Five Hundred Dollars (\$58,500). FRIENDS will prepare vouchers to be submitted for payment by the TOWN with each requisition for funds from NYS HCR. FRIENDS will maintain accurate records of expenses and time as supporting documentation for all reimbursements claimed.
5. Applicable Federal Requirements: FRIENDS will administer the Town's NYS HCR CDBG Program in accordance with applicable Federal Requirements and more particularly with:
  - A. Section 570.502, Uniform Administrative Requirements
  - B. Section 570.506, "Records to be Maintained"
  - C. Section 24 CFR Part 570 Subpart K "Other Program Requirements"
  - D. 24 CFR Part 52, Other Program Requirements
  - E. Housing and Community Development Act of 1968, Section 3 (12 USC 1701u), as amended, 24 CFR Part 135

## F 24 CFR Part 85

G. Reversion of Assets. Upon its expiration of the Agreement the Sub-recipient shall transfer to the Recipient any NYS CDBG funds on hand at the time of expiration, and any accounts receivable that are attributable to the use of NYS CDBG funds. Any real property under the Sub-recipient's control that was acquired or improved in whole or in part with NYS CDBG funds, including NYS CDBG funds provided to the Sub-recipient in the form of a loan, in excess of \$25,000 is to be either: a. Used to meet one of the national objectives until five (5) years after expiration of the agreement, or for such longer period of time as determined to be appropriate by the Recipient; or b. Not used in accordance with meeting a national objective, in which event the Sub-recipient shall pay to the Recipient an amount equal to the current market value of the property, less any portion of the value attributable to expenditures of non-NYS CDBG funds for the acquisition of, or improvements to, the property.

H. Sub-recipient shall provide files, in hard copy or electronic copy, all documents related to the grant to the Recipient on a semi-annual basis. All Program Files are the property of the Recipient. Upon completion and close-out of the Program, the Sub-recipient shall furnish all Program files to the Recipient.

6. Program Income: Any and all Program Income, including but not limited to, repayments of assistance when rehabilitated properties are sold within the recapture period, shall be paid directly by the benefited property owner to the TOWN/Recipient, for as long as the Program is operating. The TOWN/ Recipient shall comply with Program Income programmatic rules in accordance with NYS HCR CDBG requirements as set forth in 24 CFR 570.504.489(e)(1); including completion of an annual CDBG Program Income Report.

7. Suspension or Termination: This Agreement shall suspend or terminate if FRIENDS materially fails to comply with any terms of the award in accordance with 24 CFR 200.339-342. Furthermore, this Agreement may be terminated for convenience in accordance with 24 CFR 200.339-342.

8. The Town's (NYS HCR Program Recipient) authorized representative, the Office of Community Renewal, the Comptroller General of the United States, or any of their duly authorized representatives shall have access to any books, documents, papers or records (associated with the town's Program) which are directly pertinent to the program for the purpose of making audits, examinations, excerpts and transcriptions.

9. In the event of a dispute with regard to any provision of this Agreement, the parties agree to submit the dispute to binding arbitration within ten days of written notice by one party to the other that a dispute exists. Each party shall designate an individual to serve as a member of the arbitration panel. Within five days after the arbitrators have been designated, the arbitrators shall nominate a third individual to serve as an arbitrator with them. In the event the first two designated shall be unable to agree upon the selection of a third member, the designated arbitrators shall request a Judge of the County Court of Clinton to nominate a third arbitrator.

Once the panel of arbitrators, consisting of three arbitrators, has been constituted, it shall consider and deliberate upon the matter in dispute and render their decision by majority vote within ten days in writing to the parties.

10. All decisions regarding the designation of grantees (recipients of program funds) and approval of the use of program funds shall be made solely and exclusively by the TOWN Board, Town of Franklin. Periodic Status Reports will be provided to the TOWN.

11. The Town of Franklin and Friends of the North Country, Inc. indemnify the Housing Trust Fund Corporation, its agents and employees, from and against all claims, actions, damages, losses, expenses and costs of every nature and, including reasonable attorney's fees, incurred by or assessed or imposed against Housing Trust Fund corporation, to the fullest extent permitted by law, arising out of the project being funded with NYS CDBG funds.

12. Project Budget, Scope of Services, Project Schedule: Attached hereto and made a part hereof is Appendix A - Project Budget, Appendix B - Scope of Services, Appendix C - Program Schedule.

Those Voting Aye:

Supervisor Brown  
Councilman Bartiss  
Councilman Hamm  
Councilman Demong  
Councilman Jarvis

Those Voting No: None

### **RESOLUTION #17 FAIR HOUSING OFFICER**

On a motion by Councilman Bartiss and seconded by Councilman Jarvis to authorize Dorothy Brown, Town Supervisor, to act as Fair Housing Officer for the Town's Office for Community Renewal Community Development Block Grant project #418HR345-19 Housing Rehabilitation Program.

Those Voting Aye:

Supervisor Brown  
Councilman Bartiss  
Councilman Hamm  
Councilman Demong  
Councilman Jarvis

Those Voting No: None

### **RESOLUTION #18 AUTHORIZE SUPERVISOR TO EXECUTE NYSHTFC AGREEMENT AND ENGAGE FRIENDS OF THE NORTH COUNTRY**

Whereas, this Town Board supports the creation and maintenance of affordable housing in the Town of Franklin, and Whereas, the Town applied for a grant from the United States Department of Housing and Urban Development (HUD) under the Community Development Block Grant (CDBG) Small Cities Program, administered by the New York State Housing Trust Fund Corporation of Office of Community Renewal (OCR), and

Whereas, the Town was awarded Project #418HR345-19 for the general purposes of rehabilitating housing and notice to that effect was provided to the Town by OCR on March 12, 2020 for the amount of Four Hundred Fifty

Thousand Dollars (\$450,000)

Resolved, that the Town Board wishes to accept the award and authorizes the Town Supervisor to execute an Agreement between the Town of Franklin and the Office of Community Renewal (NYS HTFC), and Resolved, that the Town Board wishes to engage the services of Friends of the North Country, Inc. (Friends) to administer the 2019 Town of Franklin Housing Rehabilitation Program award and authorizes the Town Supervisor to execute an Agreement between the Town of Franklin and Friends who will, for the standard allowable Program Delivery and Administrative fee schedule allowed by the OCR, perform as Sub-recipient on behalf of the Town of Franklin in accordance with OCR guidelines.

Those Voting Aye:

Supervisor Brown  
 Councilman Bartiss  
 Councilman Hamm  
 Councilman Demong  
 Councilman Jarvis

Those Voting No: None

### **RESOLUTION #19 APPOINTING SECTION 3 COORDINATOR**

On a motion by Councilman Bartiss and seconded by Councilman Jarvis, to authorize Dorothy Brown, Town Supervisor, to act as Section 3 Coordinator for the Town's Office for Community Renewal Community Development Block Grant project #418HR345-19 Housing Rehabilitation Program. Section 3 Participation Plan Town of Franklin For Section 3 Covered Contracts Background: Section 3 of the Housing and Urban Development Act of 1968, as amended, ("Section 3") requires that economic opportunities generated by certain U.S. Department of Housing and Urban Development financial assistance for housing and community development programs be directed to low- and very low-income persons, particularly those who are recipients of government assistance for housing, and business concerns which provide economic opportunities to low- and very low income persons<sup>1</sup>.

Pursuant to Section 3 of the Housing and Urban Development Act of 1968, as amended and 24 CFR Part 135, The Units of General Local Government (TOWN OF FRANKLIN) adopts this Section 3 Participation Plan for Section 3 Covered Contracts. The policy will provide direction for implementing Section 3, when required.

Policy Statement:

The Town of Franklin shall provide opportunities to low- and very low-income persons residing in the State of New York (as defined in § 135.5 of 24 CFR Part 135) and to businesses meeting the definition of "Section 3 Business Concern" (as defined by 24 CFR Part 135). Accordingly, the town shall implement policies and procedures to ensure that Section 3, when required, is followed and develop programs and procedures necessary to implement this policy covering all procurement contracts where labor and/or professional services are provided. This policy shall not apply to contractors who only furnish materials or supplies through Section 3 covered assistance. It will apply to contractors who install materials or equipment. (See the definition of "Section 3 Covered Contracts" below.) There is nothing in this policy that should be construed to require the employment or contracting of a Section 3 resident or contractor who does not meet the qualifications of the position to be filled or who cannot fulfill the contract requirements. Definitions:

The TOWN OF FRANKLIN incorporates into this policy the definitions contained in § 135.5 of 24 CFR Part 135.

Defined Terms of Policy:

Section 3 – Section 3 is a provision of the Housing and Urban Development Act of 1968, which recognizes that HUD funds are typically one of the largest sources of federal funding expended in communities through the form of grants, loans, entitlement allocations and other forms of financial assistance. Section 3 is intended to ensure that when employment or contracting opportunities are generated because a covered project or activity necessitates the employment of additional persons or the awarding of contracts for work, preference must be given to low- and very low-income persons or business concerns residing in the community where the project is located.

Section 3 Recipient – means any entity which receives Section 3 covered assistance, directly from HUD or from another recipient and includes, but is not limited to, any State, unit of local government, PHA, IHA, Indian tribe, or other public body, public or private nonprofit organization, private agency or institution, mortgagor, developer, limited dividend sponsor, builder, property manager, community housing development organization, resident management corporation, resident council, or cooperative association. Recipient also includes any successor, assignee or transferee of any such entity, but does not include any ultimate beneficiary under the HUD program to which Section 3 applies and does not include contractors.

Section 3 Resident – A section 3 resident is:

- a public housing resident; or
- a low- or very low-income person residing in the metropolitan area or non-metropolitan county in which the Section 3 covered assistance is expended.

Section 3 Business Concern(s) – Section 3 Business Concerns are businesses that can provide evidence that they meet one of the following:

- 51% or more owned by Section 3 residents; or
- At least 30% of its full time employees include persons that are currently Section 3 residents, or within three years of the date of first employment with the business concern were Section 3 residents; or
- Provides evidence, as required, of a commitment to subcontract in excess of 25% of the dollar award of all subcontracts to be awarded to business concerns that meet the qualifications in the above two paragraphs.

Section 3 Covered Assistance– Public and Indian housing development, operating or capital funds; or other housing assistance and community development assistance expended for housing rehabilitation, housing construction or other public construction projects, such as: CDBG, HOME, 202/811, Lead-Based Paint Abatement, etc.

The following definition for Section 3 Covered Assistance comes from 24 CFR 135.5:

Public and Indian housing development assistance provided pursuant to section 5 of the 1937 Act;

1) Public and Indian housing operating assistance provided pursuant to section 9 of the 1937 Act;

2) Public and Indian housing modernization assistance provided pursuant to section 14 of the 1937 Act;  
 3) Assistance provided under any HUD housing or community development program that is expended for work arising in connection with:

- i. Housing rehabilitation (including reduction and abatement of lead-based paint hazards, but excluding routine maintenance, repair and replacement);
- ii. Housing construction; or
- iii. Other public construction project which includes other buildings or improvements, regardless of ownership.

Section 3 Covered Contract – means a contract or subcontract (including a professional service contract) awarded by a recipient or contractor for work generated by the expenditure of Section 3 Covered Assistance, or for work arising in connection with a Section 3 Covered Project. "Section 3 Covered Contracts" do not include contracts awarded under HUD procurement program, which are governed by the Federal Acquisition Regulation System (see 48 CFR, Chapter 1). "Section 3 Covered Contracts" do not include contracts for the purchase of supplies and materials. However, whenever a contract for materials includes the installation of the materials, the contract constitutes a Section 3 Covered Contract. For example, a contract for the purchase and installation of a furnace would be a Section 3 Covered Contract because the contract is for work (i.e., the installation of the furnace) and thus is covered by Section 3.

Section 3 Covered Project – A section 3 covered project involves the construction or rehabilitation of housing (including reduction of lead-based paint hazards), or other public construction such as street repair, sewage line repair or installation, updates to building facades, or other public construction, etc.

Section 3 Covered Community Planning and Development Funding – Community Development Block Grants (CDBG), Home Investment Partnership Assistance (HOME), Emergency Shelter Grants (ESG), Neighborhood Stabilization Programs (NSP), and certain grants awarded under HUD Notices of Funding Availability (NOFA). The requirements for Section 3 only apply to the portion(s) of covered funding that were used for project/activities involving housing construction, rehabilitation, demolition, or other public construction.

Section 3 Thresholds - The requirements of Section 3 are applicable to HUD's direct "recipients" –for Section 3 covered project(s) for which the amount of the assistance is more than \$200,000. 2

Contractors and Subcontractors are also subject to Section 3's requirements when performing any type of activity on Section 3 covered activity for which the amount of the assistance is in excess of \$200,000 and the contract or subcontract exceeds \$100,000.3

If a recipient receives Section 3 covered housing construction or public infrastructure or community development assistance in excess of \$200,000, but no individual contract exceeds \$100,000, Section 3 requirements will only apply to the recipient.

Finally, it should be noted that there are no thresholds for Section 3 covered Public and Indian Housing assistance.4 That is, all activities related to Public and Indian Housing assistance are covered by Section 3 regardless of the amount.

### **Responsibilities:**

1. The TOWN OF FRANKLIN that receives community development or housing assistance covered by Section 3 has the responsibility to comply with Section 3 in its own operations. This responsibility includes:

- Notifying Section 3 residents and businesses about job opportunities and contracts generated by Section 3 covered assistance so that residents may seek jobs and businesses may submit bids/proposals for available contracts;
- Notifying potential contractors of the objectives of Section 3 and ways in which each contractor can assist the sub-recipient to meet its goal;
- Facilitating the training and employment of Section 3 residents and the award of contracts to Section 3 business concerns; and
- Documenting the action that the sub-recipient takes to comply with the Section 3 requirements, the results of the actions, and impediments, if any.

2. The TOWN OF FRANKLIN has a responsibility to "ensure compliance" of their contractors and subcontractors. This means that a sub-recipient must:

- Notify contractors of their responsibilities under Section 3 including, but not limited to, incorporating the Section 3 Clause in contract documents.
- Refrain from entering into contracts with contractors that are in violation of the regulations in 24 CFR Part 135.
- Respond to complaints made to the recipient by Section 3 residents or
- Business concerns that the sub-recipient, a contractor or subcontractor, is not in compliance with 24 CFR Part 135.
- Cooperate with HUD in obtaining the compliance of contractors and subcontractors when allegations are made that the sub-recipient's contractors and subcontractors are not in compliance with the regulation of 24 CFR Part 135.

### **Goals:**

All contractors undertaking Section 3 covered projects and activities are expected to meet the Section 3 requirements. To demonstrate compliance with the "greatest extent feasible" requirement of Section 3, contractors must meet the goals set forth below for providing training, employment and contracting opportunities to Section 3 residents and Section 3 business concerns. To meet the goals, contractors must select Section 3 residents based on the following priorities pursuant to § 135.34, 24 CFR Part 135:

- First Priority - Residents of the development where the work is to be performed.
- Second Priority - Other residents of the neighborhood where the work is to be performed.
- Third Priority - Other residents of the neighborhood who are participants in HUD-Youth build or others federal, state, and local job programs being carried out in the city or county area.
- Fourth Priority - Other persons from the project metropolitan area who meet the definition of Section 3 resident contained in § 135.5 of 24 CFR Part 135.

**Employment:**

All contractors will seek low- or very low-income persons residing in the property metropolitan area for 30% of all new hires. When applicable, the contractor must show evidence of seeking project residents for 15% of the new hires.

Eligibility for employment or contracting -nothing in this policy shall be construed to require the employment or contracting of a Section 3 resident or contractor who does not meet the qualifications of the position to be filled or who cannot perform the contract. Part 135.

**Preference for Section 3 Business Concerns:**

Preference shall be awarded to Section 3 Business Concerns according to the following system:

1. Where the Section 3 Covered Contract is to be awarded based upon the lowest price, the contract shall be awarded to the qualified Section 3 Business Concern with the lowest responsive quotation, if it is reasonable and no more than 10 percent higher than the quotation of the lowest responsive quotation from any qualified source. If no responsive quotation by a qualified Section 3 Business Concern is within 10 percent of the lowest responsive quotation from any qualified source, the award shall be made to the source with the lowest quotation. If it is reasonable and no more than 10 percent higher than the quotation of the lowest responsive quotation from any qualified source. If no responsive quotation by a qualified Section 3 Business Concern is within 10 percent of the lowest responsive quotation from any qualified source, the award shall be made to the source with the lowest quotation.

2. Where the Section 3 Covered Contract is to be awarded based on factors other than price, a request for quotations shall be issued by developing the particulars of the solicitation, including a rating system for the assignment of points to evaluate the merits of each quotation. The solicitation shall identify all factors to be considered, including price or cost. The rating system shall provide for a range of 15 to 25 percent of the total number of available rating points to be set aside for the provision of preference for Section 3 Business Concerns. The purchase order shall be awarded to the responsible firm whose quotation is the most advantageous, considering price and all other factors specified in the rating system

**Competitive Bids:** Procurement by Sealed Bids (Invitations for Bids)

Preference in the award of Section 3 Covered Contracts that are awarded under a sealed bid process may be provided as follows:

1. Bids shall be solicited from all businesses (i.e. Section 3 Business Concerns and non- Section 3 Business Concerns). An award shall be made to the qualified Section 3 Business Concern with the highest priority ranking (as defined in 24 CFR Part 135) and with the lowest responsive bid if that bid:

A) is within the maximum total contract price established in The TOWN OF FRANKLIN's budget for the specific project for which bids are being taken; and

B) is not more than "X" higher than the total bid price of the lowest responsive bid from any responsible bidder. "X" is determined as follows:

X = lesser of:

When the lowest responsive bid is less than \$100,000 . . . . 10% of that bid or \$9,000

When the lowest responsive bid is:

At least \$100,000, but less than \$200,000 . . . . 9% of that bid or \$16,000

At least \$200,000, but less than \$300,000 . . . . 8% of that bid or \$21,000

At least \$300,000, but less than \$400,000 . . . . 7% of that bid or \$24,000

At least \$400,000, but less than \$500,000 . . . . 6% of that bid or \$25,000

At least \$500,000, but less than \$1 million .....5% of that bid or \$40,000

At least \$1 million, but less than \$2 million. ....4% of that bid or \$60,000

At least \$2 million, but less than \$4 million. ....3% of that bid or \$80,000

At least \$4 million, but less than \$7 million. ....2% of that bid or \$105,000

\$7 million or more . . . . 1.5% of the lowest responsive bid, with no dollar limit.

2. If no responsive bid by a Section 3 Business Concern meets the requirements of paragraph 1 of this section, the contract shall be awarded to a responsible bidder with the lowest responsive bid.

3. In both paragraphs 1 and 2 above, a bidder, to be considered as responsible, must demonstrate compliance with the "greatest extent feasible" requirement of Section 3.

**Compliance:**

HUD holds HCR accountable for compliance with Section 3 requirements. In contracts entered into with HCR, recipients agree to comply with Section 3. When a housing partner is unable to meet Section 3 goals, HCR will place the burden of proving compliance with Section 3 on the recipient.

The minimum numerical goal for employment 30 percent of the aggregate number of new hires shall be Section 3 residents annually—i.e., 1 out of 3 new employees needed to complete a Section 3 covered project/activity shall be a Section 3 resident.

The minimum goals for contracting are:

- Ten percent of the total dollar amount of all Section 3 covered contracts for building trades work for maintenance, repair, modernization or development of public or Indian housing or building trades work arising in connection with housing rehabilitation, housing construction and other public construction, shall be awarded to Section 3 businesses; and

- Three percent of the total dollar amount of all non-construction Section 3 covered contracts, shall be awarded to Section 3 businesses.

Safe harbor and compliance determinations: In the absence of evidence to the contrary (i.e., evidence that efforts to the "greatest extent feasible" were not expended), if the TOWN OF FRANKLIN or contractor meets the minimum numerical goals shown above, the recipient or contractor is considered to have complied with Section 3 preference

requirements.

The TOWN OF FRANKLIN will be expected to demonstrate why it was not feasible to meet the goals. At a minimum, if recipients of Section 3 Assistance are unable to meet their Section 3 training, hiring, and contracting goals, they should sponsor or participate in upward mobility programs, hire eligible residents in trainee positions with regard to training and employment, or form Section 3 joint ventures with various local employment agencies.

Data Collection and Reporting:

The TOWN OF FRANKLIN will collect and submit required Section 3 data and complete Section 3 reporting requirements.

Those Voting Aye:

Supervisor Brown  
Councilman Bartiss  
Councilman Hamm  
Councilman Demong  
Councilman Jarvis

Those voting No: None

## **PROGRAM DELIVERY**

### **ACTIVITY**

#### I. Prescreening

- A. Contact wait-listed prospective participants; when calls come in from new prospective recipients, confirm their property is in the Town, and add to wait list.
- B. Make preliminary inquiries concerning income eligibility.
- C. Assist applicant with intake of eligibility information, and papers they will need to provide.
- D. If applicant appears to qualify, schedule interview for purposes of written application and determination of eligibility.

#### II. Application

- A. Interview and advise the property owner about the program and financing available through the Town's Housing Replacement Program.
- B. Determine income eligibility, deed and/or ownership requirements met. Photocopy documents for the file.
- C. Assist the applicant in filling out the application form and verify completeness (supporting documentation).
- D. Discuss needs of property.
- E. Using information provided by owner, determine that the property is substandard and eligible.

#### III. Initial Property Assessment of Conditions

- A. Make on-site assessment of housing conditions.
- B. Take "before" photographs.
- C. Prepare work write-up.
- D. Estimate costs.

#### IV. Refinement of Rehabilitation Activities

- A. Consult with applicant on preliminary Work Write-up to reach an agreement on work to be done in regards to rehabilitation.
- B. Make sure the proposed work will conform to the Property Rehabilitation Standards and the NYS Building Code.
- C. Prepare final Work Write-up and cost estimate.
- D. Obtain owner's approval of final Work Write-up.
- E. Property owner reviews contractors list for bidding.
- F. Obtain review and approval from Town Code Enforcement Officer.
- G. Transmit Work Write-up to contractors for their cost estimate (bid).
- H. Receive responses and review with property owner, who selects the contractor.
- I. Determine total project cost for rehabilitation.

#### V. Formalize Rehabilitation Project

- A. Verify information to meet preconditions of agreement and make sure all attachments are in order.
- B. Prepare Agreement between Town and property owner (Grant Agreement).
- C. Have Town Board approve program funds for the project.
- D. Obtain proof of insurance coverage for property owner.
- E. Prepare Grant Agreement(s) and Note and Mortgage(s) and Affidavit(s) for filing in the County Clerk's Office.
- F. Execute Grant Agreement(s) and Note and Mortgage(s).

#### VI. Preconstruction

- A. Notify low-bidding contractor.
- B. Prepare Rehabilitation Contract between property owner and contractor.
- D. Review terms and conditions with contractor and property owner.
- E. Execute Rehabilitation Contract.



- F. Fill out Proceed Order Checklist.
- G. Execute Proceed Order.
- H. Contractor will obtain necessary permits.

#### VII. Construction

- A. If additional necessary work is discovered after work begins, get a quote for the additional work from the contractor.
- B. If the budget allows, make out a Change Order for additional work.
- C. Obtain approval of Change Order(s) from Town Board. If the Change Order exceeds \$1000.00, file an Amendment to the Note and Mortgage.
- D. Immediately before the end of each phase, contractor should notify the code official to make a "periodic" inspection(s) and notify Friends of the North Country, Inc. for project monitoring.
- E. A "Draw Request" (request for reimbursement) is prepared, backed with supporting documentation such as date of inspection and the contractor's bid or invoice. Both owner and contractor sign the Draw Request; provide to Town for requisition of funds..
- F. Friends of the North Country, Inc. supervises payment process.
- G. Repeat this procedure for each phase of construction until the final phase.

#### VIII. Project Close-out

- A. Property owner notifies Friends that project is nearing/or at completion.
- B. Friends of the North Country, Inc. notifies Code Officer for final code inspection.
- C. Schedule and conduct assessment of work with contractor and property owner.
- D. Obtain approval of work from Local Codes Enforcement Official.
- E. Review work with property owner for work satisfaction.
- F. Obtain from contractor for property owner and file records:
  - (1) Final bill;
  - (2) Written guarantees;
  - (3) Manufacturer's and subcontractor's warranties;
  - (4) Release of liens from general contractor.
- G. Prepare final Draw Request and provide to Town for requisition of funds.
- H. Obtain property owner's acceptance of work.
- I. Friends of the North Country, Inc. completes Project Close-out Checklist.
- J. Project is closed out.

#### GENERAL ADMINISTRATION

##### ● Initial Administrative Requirements

- Review grant agreement - special conditions
- Assist clerk/treasurer to establish accounts for project as needed
- Coordinate with Town on the established wait-list for prospective grantees

##### ● Environmental Review

- Prepare Environmental Review Record, provide to Board for approval
- Letters to involved agencies (if required)
- Forward comments received, if any
- Prepare and coordinate publication of Legal Notices
- Prepare Release of Funds forms
- Coordinate Special Environmental Reviews:
  - Floodplains, Historic Preservation/Archaeological Resources, Coastal Zone, Ag District

##### ● Involvement of Other Resources

- Joint Projects - coordinate use of matching AHC New Construction Funds
- Coordinate and monitor Owner Share, if any

##### ● Activities During Construction

- Review (approve) bills
- Assist Town Clerk (or designee) to prepare drawdowns
- Review change orders
- Project Troubleshooting

##### ● Other Administrative Requirements

- HUD/NYS HCR clearance of special grant conditions
- Prepare quarterly fiscal reports
- Draft Performance Assessment Reports
- Draft amendments (notice, public hearing, correspondence with HUD) if needed
- Participate in monitoring session
- Prepare close-out
- Coordinate audit(s)

#### RESOLUTION #20 PROJECT IDENTIFICATION

On a motion by Councilman Hamm, second by Councilman Demong, BE IT RESOLVED that the Town of Franklin Town Board does hereby approve of a numbering system to be used as NYS HCR project recipient identifiers such as #FR-20-Road Name.

Those Voting Aye:

Supervisor Brown  
Councilman Bartiss  
Councilman Hamm  
Councilman Demong  
Councilman Jarvis

Those Voting No: None

### **2014 Recipient Request**

Melissa reported a 2014 housing rehab recipient has requested the Town remove the five year lien on the property in to allow the recipient to obtain a reverse mortgage. Eleven months are left on the lien. She informed the board that the town of Franklin imposes a "lien" on rehab properties to discourage homeowners from getting assistance and then selling the property, thereby profiting from grant funds. The Town Board requested that Friends explore other options before it makes a decision.

EMERGENCY DECLARATION STATUS-Supervisor Brown informed the board the following Proclamation of Emergency is in effect as of March 18, 2020 and she will extend it for an additional 30 days. No board action is required.

WHEREAS, Section 24 of the Executive Law of the State of New York authorizes the Town Supervisor to proclaim a state of emergency upon a finding that there exists within a Town a public emergency and that public safety is thereby imperiled, or there exists a reasonable apprehension thereof; and WHEREAS, the threat of Coronavirus, specifically Covid-19, is an imminent threat to the health and safety of the residents of the Town of Franklin; and WHEREAS, the Town Supervisor of the Town of Franklin wishes to declare a state of emergency within the Town of Franklin such that the Town Supervisor may exercise the powers contained in Executive Law Section 24 to protect the health and safety of the residents of the Town of Franklin; and WHEREAS, the Town Supervisor of the Town of Franklin hereby finds that Coronavirus, specifically Covid-19, constitutes a public emergency within the Town of Franklin and that public safety is thereby imperiled; be it hereby PROCLAIMED, by the Town Supervisor of the Town of Franklin that a State of Emergency is declared within the Town of Franklin pursuant to Section 24 of the Executive Law of the State of New York, and that such State of Emergency shall last for a period 30 days unless earlier terminated by the Town Supervisor of the Town of Franklin.

**2010 John Deere Loader** - Superintendent DeMars reported that the 2014 John Deere Loader that was involved in the December Highway Garage Fire can be purchased back from the insurance company for approximately \$31,275. The Town of Franklin has already received payment for this loss and has purchased a replacement. It has been reported to Superintendent DeMars that the 2010 loader is in good condition and it is his opinion the highway department would benefit from having an additional loader. Because a replacement loader has been purchased this cannot be considered an "emergency" as defined in Resolution #41 of 2019. As the purchase price is over \$10,000, the Town is required to solicit bids to purchase a comparable loader.

### **RESOLUTION #22 APPROVAL TO SOLICIT BIDS FOR AND PURCHASE A 2010 JOHN DEERE (OR COMPARABLE) LOADER**

On a motion by Councilman Hamm, second by Councilman Jarvis, BE IT RESOLVED that the Town of Franklin Town Board does hereby authorize the Town Clerk to solicit sealed bids for the purchase of a 2010 John Deere (or comparable) Loader, bids received will be opened and announced publicly by the Town Clerk on April 24, 2020 at 12pm AND the Town of Franklin Town Board DOES FURTHER RESOLVE to authorize the Town of Franklin Highway Superintendent to purchase a 2010 John Deere Loader in the amount of up to \$31,275.

Those Voting Aye:

Supervisor Brown  
Councilman Bartiss  
Councilman Hamm  
Councilman Demong  
Councilman Jarvis

Those Voting No: None

## **OLD BUSINESS**

**A. HIGHWAY GARAGE AND EQUIPMENT REPLACEMENT UPDATE** - Supervisor Brown and Superintendent DeMars continued to work with our insurance adjuster, engineer and general contractor on the rebuilding plans. To date, the Town of Franklin has received insurance equipment payments for all five tandem dump trucks and the loader. We have also received \$566,025 toward the replacement of the garage building.

## **ADJOURNMENT**

There being no further business to discuss, Supervisor Brown adjourned the meeting at 7:24pm.

Respectfully submitted, Lauren LeFebvre, Town Clerk

[Click here to see past minutes](#)

**Town of Franklin**

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